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BULLETIN

COMMISSIONER OF
CAMPAIGN FINANCES AND PRACTICES

No. 1

February 13, 1976

INTRODUCTION

Our new format for distributing information to candidates, political committees and other interested persons about the activities of the Commission is inaugurated with this first edition of the BULLETIN. It is the Commissioner's hope that the bulletin will become a regular monthly publication.

This issue contains a preliminary agenda for the planned meeting of the Advisory Committee to be held on February 24, 1976. It also contains a summary of proposed advisory opinions to be considered by the Committee, dealing with questions of general interest.

In the future, the bulletin will give notice of requests for advisory opinions, proposed advisory opinions and rules, adopted advisory opinions and rules, and preliminary agenda of Advisory Committee meetings, as well as other topics of interest to candidates and committees. The bulletin is intended to supplement, rather than supercede, the notice procedures of the Administrative Procedure Act. A permanent mailing list for the bulletin is being compiled, and interested persons may place their names on the list by sending a request to the Commissioner, P. O. Box 39, Capitol Station, Helena, Montana 59601.

NOTICE OF MEETING

10:00 a.m. - February ²⁴20, 1976
Room 405, Capitol Building
Helena, Montana

PRELIMINARY AGENDA

1. Adoption of minutes of previous meeting.
2. Consideration of memos to candidates and political committees, calendars of reporting periods, and letter of classification of political committees.
3. Commissioner's report on order of denial issued on the petition to promulgate rules on non-profit corporations, submitted by the Montana Chamber of Commerce.

5. The reporting period for a committee which remains in existence and participates in a subsequent election begins on the day after the closing date of books of the most recently filed report, and ends with the closing date of books of the reporting period in which an expenditure, as set forth in (1) on page 2, is made.

REQUEST RECEIVED FROM: Clark Pyfer, Montana Republican Central Committee
Mike Pichette, Montana Democratic Central Committee

P-76-002

A candidate for precinct committeeman is not a candidate for "public office" and is not required to file any statements or reports of the Campaign Finance Act.

(section 23-4777(1) and (5), R.C.M. 1947)

REQUEST RECEIVED FROM: Ernest Post, COPE Director, Montana State AFL-CIO

P-76-003

The term "expenditure" does not include the cost or any communication by any membership organization to its members, unless such organization is a primary political committee.

(section 23-4777(7), R.C.M. 1947; MAC 44-3.10(6)-S1080)

REQUEST RECEIVED FROM: Candidate for state office (name withheld)

P-76-004

1. As used in section 23-4754, R.C.M. 1947, Political Criminal Libel,

(a) "publisher/person paying for printing and publishing" means the person ultimately responsible, by reason of financial support or otherwise, for the production and dissemination of written material which has a tendency to influence the result of an election.

(b) "person" means the person or firm responsible for the mechanical work of production, if done under contract in a commercial transaction.

2. A stationery letterhead containing a slogan, the tendency of which is to influence the result of an election, must carry on its face the name of the publisher and the printer only if it is disseminated to the general public.

REQUEST RECEIVED FROM: Independent Candidate for State Office (name withheld)
Candidate for Legislature (name withheld)

P-76-005

1. A candidate for public office whose name does not appear on the ballot at a particular election, for whatever reason, need not file the pre and immediate post-election reports required by section 23-4778(3) or (4), for that election.

(section 23-4778(3) and (4), R.C.M. 1947)

2. The initial reporting period of a candidate begins when the first contribution is received or expenditure made, and ends on the closing date of books for the first pre-election report for an election at which the candidate's name appears on the ballot.

(section 23-4778(8), R.C.M. 1947; MAC 44-3.10(10)-S10180)

3. A candidate may file a closing report at any time after, for whatever reason, he has ceased to participate in an election campaign, if:

(a) the account in his campaign depository is closed; and

(b) no debts or obligations are owing to nor payable by such candidate; and

(c) no further contributions will be received nor expenditures made by such candidate, and a statement to that effect is included and certified on the closing report.

This shall not be construed to permit a candidate to file a closing report prior to an election at which his name will appear on the ballot.

(section 23-4778(3)(d) and (4)(c), R.C.M. 1947)

5. Consideration of proposed regulations.

MAC 44-3.10(6)-S1060 - Contribution-Definition:

Excludes the cost of any communication by any membership organization to its members, so long as such organization is not a primary political committee, from the definition of contribution.

(section 23-4777(6), R.C.M. 1947)

MAC 44-3.10(6)-S1080 - Expenditure-Definition:

Excludes the cost of any communication by any membership organization to its members, so long as such organization is not a primary political committee, from the definition of expenditure.

(section 23-4777(7), R.C.M. 1947)

MAC 44-3.10(6)-S1090 - Political Committee-Definition:

Any combination of two or more individuals or a person, other than an individual, is a political committee if an expenditure is made:

1. To or on behalf of a candidate or a committee organized to support a candidate; or
2. On behalf of a ballot issue or petition for nomination, initiative, or referendum; or
3. To a committee organized to support or oppose a ballot issue or petition for nomination, initiative, or referendum; or

4. As an earmarked contribution. Any combination of two or more individuals or a person, other than an individual, who receives an expenditure which is made in a manner, as specified on the preceding page, is a political committee.

(section 23-4777(9), R.C.M. 1947)

MAC 44-3.10(10)-S10170 - Incidental Political Committee-Reporting:

An incidental political committee, such as a firm, partnership, or other business entity, need not report the source of contributions if they are gained in the normal course of business and not for the purpose of being used to influence an election.

(section 23-4777(9) and 23-4778(3), R.C.M. 1947)

MAC 44-3.10(10)-S10180 - Initial Report-Period Covered-Candidates-Political Committees:

For candidates, ends on the closing date of books for the filing of the first pre-election report for the election at which the candidate's name appears on a ballot.

For political committees, ends on the closing date of books for the reporting period in which an expenditure is made to or on behalf of a candidate, issue, petition, or another committee.

(section 23-4778(8)(a), R.C.M. 1947)

MAC 44-3.10(10)-S10300 - Earmarked Contribution-Reporting:

Requires that a contribution received for the purpose of being expended on behalf of a candidate, issue, or petition be reported as an earmarked contribution.

(section 23-4737 and 23-4779(16), R.C.M. 1947)

6. Consideration of advisory opinion requests:

REQUEST RECEIVED FROM: Candidate for Legislature (name withheld)

R-76-008

Does a cardboard finger nail file, which is distributed to potential electors, constitute "Treating"?

(section 23-4745, R.C.M. 1947)

If you wish to present your views or opinions on any matter scheduled on the agenda, you are invited to do so at the meeting or by calling 449-2942. In addition, written views may be submitted to the Advisory Committee, P. O. Box 39, Capitol Station, Helena, Montana 59601. Copies of the complete text of any advisory opinion request, proposed advisory opinion, or adopted advisory opinion may be obtained by completing the attached order coupon.

ORDER COUPON

February 24, 1976

Please use this coupon to request proposed advisory opinion drafts, advisory opinions, and advisory opinion requests listed on the agenda for the February 24 Advisory Committee meeting. (No charge for these is contemplated unless mailing and production costs continue to escalate. Please be selective in your requests.)

PLEASE MAIL THIS COUPON TO: Commissioner of Campaign Finances and Practices
P. O. Box 39
Capitol Station
Helena, Montana 59601

DRAFT OPINIONS:

_____ P-76-001
_____ P-76-002
_____ P-76-003
_____ P-76-004
_____ P-76-005

OPINION REQUESTS:

_____ R-76-008

ORDERS:

_____ Denial of petition
to promulgate rule
on non-profit corporations.

PROPOSED REGULATION AMENDMENTS: Hearing Scheduled for March 18, 1976 at 10:00 a.m.

_____ MAC 44-3.10(6)-S1060
_____ MAC 44-3.10(6)-S1080
_____ MAC 44-3.10(6)-S1090
(Joined) MAC 44-3.10(10)-S10170
_____ MAC 44-3.10(10)-S10180
_____ MAC 44-3.10(10)-S10300

NAME: _____

ADDRESS: _____

Number

Street

City

State

Zip Code

Commissioner of Campaign
Finances And Practices
P. O. Box 39
Capitol Station
Helena, Montana 59601

From:

To: Commissioner of Campaign
Finances and Practices
P. O. Box 39
Capitol Station
Helena, Montana 59601